IV2262199

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INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU **IV2262199**
INVESTIGATIVE SUMMARY

Subject: **Boese, Eugene Deputy, Employee [redacted]**

Unit: **Compton Station, Region II**

Date: **March 15, 2009**

Location: [redacted]

This case is in reference to an off-duty incident where Subject Eugene Peter Boese was arrested on July 8, 2010, by San Bernardino County Sheriff for Perjury-118PC; False Insurance Claim for Payment of Loss-550(A)(1)PC; Providing False Information for Insurance Claim-550(B)(1)PC. He was subsequently released on his "Own Recognizance."

On March 15, 2009, Subject Boese filed a stolen vehicle report for his black 2005 Cadillac CTS. He subsequently filed an insurance claim for the loss of his vehicle with The Automobile Club of Southern California (AAA). His vehicle was found in Mexico on March 17, 2009, with minor damage. It was alleged that the police report and insurance claim were filed fraudulently.

On January 25, 2011, as part of a plea deal, Subject Boese withdrew his initial not guilty plea and plead "Nolo Contendere" to an amended misdemeanor charge of 32 PC-Accessory to a Felony. Honorable Judge Donald G. Umhofer sentenced Subject Boese to probation for 36 months, from January 25, 2011 through January 24, 2014. The penalty imposed was a fine, and credit for time served-1 day.

> **IAB NOTE: For further details, refer to the copy of County of San Bernardino, Superior Court Case Print, Exhibit C.**

> **IAB NOTE: Refer to a copy of County of San Bernardino's plea bargain agreement, Exhibit B.**

On February 3, 2011, Internal Affairs Bureau was assigned the administrative investigation.

The following is a summary of the investigation conducted by The County of San Bernardino, Office of the District Attorney, Auto Insurance Fraud Unit, Senior Investigator [redacted]

On March 15, 2009, Subject Boese claimed that he parked and locked his 2005 black Cadillac CTS (license [redacted] in the driveway of his residence between 2000 and 2100 hours on March 14, 2009. He then went into his residence and went to bed. On March 15, 2009, at approximately 0345 hours, he went out to his vehicle to leave for work. Subject Boese said his vehicle was gone and there was no evidence of theft found at the scene. Subject Boese still had all of the keys to his vehicle. Subject Boese filed an auto theft report with the San Bernadino County Sheriff's Department and signed the theft report under penalty of perjury. Subject Boese then filed an insurance claim with The Automobile Club of Southern California (AAA) for the loss of his vehicle the same day.

<u>IAB NOTE:</u> For a copy of the stolen vehicle report (CHP-180) signed by Subject Boese, refer to Exhibit A, pages 28 thru 30.

<u>IAB NOTE:</u> For a copy of "Affidavit of Automobile Total Theft" form signed by Subject Boese, refer to Exhibit A, pages 377 & 378.

On March 17, 2009, Subject Boese's vehicle was located in Rosarito Beach, Mexico with minor scratches on the right side of the vehicle and the battery missing. The vehicle was brought back to the United States and stored in a AAA storage lot. [redacted] of AAA contacted Subject Boese and notified him about the recovery of his vehicle and its condition. Subject Boese requested that his vehicle be towed to a [redacted] in [redacted] because they had previously worked on his vehicle and he trusted this repair shop. On March 23, 2009, Subject Boese went to [redacted] and placed tape on his vehicle where he felt there was new damage caused by his vehicle being stolen. Subject Boese marked the following damages: cracked windshield, left front bumper damage, scratch to right rear quarter panel, and paint missing on left rear door. Later on the same day, Subject Boese called Insurance Adjuster [redacted] to say he forgot to mention some damage to the undercarriage of his vehicle.

<u>IAB NOTE:</u> For a copy of the stolen vehicle recovery report (CHP-180), refer to Exhibit A, page 31.

<u>IAB NOTE:</u> During Subject Boese's Internal Affairs Bureau interview, he said his windshield was cracked prior to the vehicle being reported stolen. He also said all other traffic collision damages had been repaired prior to the vehicle being reported stolen, except for the damage on the left side of the vehicle.

On March 25, 2009, AAA insurance adjuster, [redacted] examined the vehicle and noted the damaged areas that Subject Boese had marked. She noticed that the ignition and the door locks had not been tampered with. She also noted that employees of [redacted] would not place Subject Boese's vehicle on a lift so she could inspect the undercarriage for any damages. Mr. [redacted] told Ms. [redacted] that the only way this type of vehicle could have been stolen would have been with a master key or it would have had to be towed away.

IAB NOTE: According to General Manager for General Motors, [redacted] no duplicate keys were made to Subject Boese's vehicle, during the time frame in which he owned it, refer to Exhibit A, page 13.

IAB NOTE: For "Note Reports" from the insurance adjusters, refer to Exhibit A, pages 187 thru 197.

IAB NOTE: For pictures of Subject Boese's vehicle, refer to Exhibit A, pages 205 thru 236. Also see the same pictures in color, Exhibit E.

IAB NOTE: For a copy of the damage assessment by Adjuster [redacted], refer to Exhibit A, pages 238 thru 241.

Due to there being no signs of forced entry and the fact that Subject Boese still had all of his keys, AAA felt Subject Boese's claim was suspicious. They requested that Subject Boese submit his cell phone records, his work records, and his financial records. They also requested that Subject Boese submit to an Examination Under Oath (EUO). AAA said that Subject Boese did not cooperate, he did not submit the requested documents and refused to be questioned under oath. AAA denied the claim due to Subject Boese's lack of cooperation. Based on Subject Boese's lack of cooperation and possible suspicious activity, his claim was forwarded to The San Bernardino County, District Attorney's Office, Auto Insurance Unit for investigation.

IAB NOTE: For copies of letters from The County of San Bernardino, Office of the District Attorney naming AAA as possible victim of a fraudulent insurance claim, refer to Exhibit A, pages 175 thru 181.

IAB NOTE: For copies of the Suspected Fraudulent Claim Referral form and numerous emails between insurance investigators and correspondences requesting Subject Boese to respond for an Examination Under Oath (EUO), refer to Exhibit A, pages 290 thru 372.

Mr. [redacted] (owner of repair shop) provided copies of previous vehicle repair invoices and repair estimates for Subject Boese's vehicle. Mr. [redacted] identified Subject Boese from his DMV picture shown to him by District Attorney's Auto Insurance Unit Investigator [redacted] Mr. [redacted] advised that he had already provided Subject Boese with an estimate for the damage the AAA adjuster [redacted] was examining at his shop, prior to his vehicle being stolen. Mr. [redacted] said that Subject Boese told him the damage was caused by him driving on freeways that were under repair while going to work.

<u>IAB NOTE:</u> For a copies of estimates from [redacted] refer to Exhibit A, pages 37 thru 46 (pages 38 & 46 are actual invoices for work previously done). The computer estimates provided by Mr. [redacted] are all dated 03/02/10, which is the actual date Mr. [redacted] was interviewed by Investigator [redacted] His computer does not retain the actual date of the estimates anytime an inquiry is made after the initial estimate.

<u>IAB NOTE:</u> Mr. [redacted] verified that he gave Subject Boese an estimate to replace the front windshield, fix minor dents and paint his Cadillac prior to AAA examining the vehicle on March 25, 2009. Mr. [redacted] was unsure of the exact date but verified that he gave that estimate approximately three months prior to Subject Boese's vehicle being reported stolen.

<u>IAB NOTE:</u> On May 9, 2008, Subject Boese was involved in a traffic accident in Rancho Cucamonga, where he was found to be at fault. The damages listed on the traffic report are similar to the damages listed on Mr. [redacted] estimates and Ms. [redacted] assessment for Subject Boese's vehicle. For a copy of the traffic collision report, see Exhibit A, pages 34 thru 36.

Investigator [redacted] examined the insurance claim and wrote search warrants to obtain Subject Boese's work schedule, his cell phone bill [redacted] for March 2009, and subscriber information on a cell phone number [redacted] which was contacted nine times on the evening of March 14, 2009. The subscriber information on the [redacted] number returned to a [redacted] Subject Boese's cell phone records showed his cell phone making and receiving calls from Mr. [redacted] cell phone on that evening. The records placed Subject Boese's cell phone in the area of Rancho Cucamonga, to Mira Loma, then traveling south towards Norco, Murrieta, and Fallbrook, which is in North San Diego County.

<u>IAB NOTE:</u> For copies of the search warrant and subpeona records for Subject Boese's work schedule/time records and Verizon Wireless cell phone records authored by Investigator [redacted] refer to Exhibit A, pages 47 thru 78.

<u>IAB NOTE:</u> For copies of Subject Boese's Verizon cell phone records, refer to Exhibit A, pages 79 thru 129 (pages 114-129 are cell tower coordinates).

<u>IAB NOTE:</u> Refer to Google Map for the course of travel where Subject Boese's phone was tracked, Exhibit F.

<u>IAB NOTE:</u> Refer to Google Map for the distance between Subject Boese's cell to Rosarito, Mexico, Exhibit G.

Investigator [redacted] located and questioned [redacted] about this knowledge or involvement in this crime. Mr. [redacted] acknowledged he was good friends with Subject Boese and they often went to Mexico. Mr. [redacted] identified himself as a U.S. Border Protection Officer who worked for the Department of Homeland Security. Mr. [redacted] admitted that he had worked the United States/Mexico border in the past and had a lot of friends who worked there.

Mr. [redacted] would not answer the question as to whether he drove Subject Boese back from Mexico on the night of March 14, 2009, after Subject Boese allegedly abandoned his vehicle. Mr. [redacted] said his answer would jeopardize his job.

> **IAB NOTE: For a summary of Investigator [redacted] interview with Mr. [redacted] refer to Exhibit A, pages 14 thru 17. For more details, also refer to Mr. [redacted] transcribed interview with Investigator [redacted]**

> **IAB NOTE: For copies of the search warrant for Mr. [redacted] Verizon Wireless cell phone records authored by Investigator [redacted] refer to Exhibit A, pages 130 thru 158.**

> **IAB NOTE: For copies of Mr. [redacted] Verizon cell phone bill, refer to Exhibit A, pages 159 thru 174.**

On June 30, 2010, as a result of Investigator [redacted] investigation, three felony counts were filed against Subject Boese in the San Bernardino Superior Court. The Penal Code Sections filed were: Count 1- 118PC-False Police Report; Count 2- 550(a)(1)PC-Insurance Fraud; Count 3- 550(b)(1)PC-Conspiracy to Commit Insurance Fraud.

> **IAB NOTE: For further details, see a copy of Investigator [redacted] Investigative Report, Exhibit A.**

> **IAB NOTE: See a copy of The County of San Bernardino's Felony Complaint, Exhibit B.**

SUBJECT INTERVIEW

Subject - Deputy Eugene Boese [redacted] Compton Station, was interviewed by Sergeant Sonja Bracken and Sergeant Teri Roberts on March 10 , 2011, at 1037 hours. Subject Boese was represented by Mitchell Kander from Green & Shinee. The interview took place at Internal Affairs Bureau, Interview Room A and was digitally recorded. The following is a summary.

Subject Boese said he has worked at [redacted] since he graduated the academy in [redacted] He said [redacted] and from there he went to Compton Patrol Station where he is currently assigned. He said at the time of this incident, March 14, 2009, he was on day shift [redacted].

Subject Boese verified that he owned the 2005 Cadillac CTS, license [redacted] since April of 2005. He said he had the vehicle insured by The Automobile Club of Southern California (AAA) for the entire time he owned the vehicle. He said for the most part, he was the only person who drove the vehicle. Subject Boese said he was in two traffic collisions; one in a condo complex just after he purchased the vehicle and one with a truck in Rancho Cucamonga.

He said in the first collision he sustained damage to the front, left side of the vehicle and all that damage had been repaired. Subject Boese said in the second collision, the same area of his vehicle was damaged but he had not gotten that damage repaired. He said he did not recall the dates of either collision. He said the windshield was cracked on his vehicle but he could not recall how that occurred. He later said that the first accident was in October 2005 but again said that damage was repaired. He said he could not remember if he obtained an estimate for the damage sustained to his vehicle in the second accident.

Subject Boese then confirmed that he had a traffic collision on May 9, 2008 on Archibald Avenue in Rancho Cucamonga and this was the collision where the damage was not repaired. Subject Boese said he did not feel that he spent a lot of money for continual repairs on his vehicle.

> **<u>IAB NOTE:</u> See two ISO- (The Intregrated Solution) Claim Search printouts on Subject Boese's vehicle showing previous insurance claims, pages dated on bottom showing March 16, 2009 and March 26, 2009, Exhibit A, pages 380 thru 387. ISO is the only comprehensive all claims database and system for claims processing and fraud detection, serving property/casualty insurers and self insured organizations. They routinely work in conjunction with the NCIB- National Insurance Crime Bureau.**

Subject Boese verified that he parked his Cadillac in his driveway at home on March 14, 2009. He said he last saw his vehicle at approximately 2300 hours. Subject Boese verified that he reported the vehicle stolen with the San Bernardino County Sheriff's Department at approximately 0355 hours. He verified his signature on the stolen vehicle report **(Exhibit A, page 28).** He verified that he still had possession of the keys to his vehicle and there was no debris in the driveway that would have shown signs of the theft. Subject Boese said he did not have the license plates on his vehicle at the time he reported it stolen. He said he never put his license plates on any of his vehicles because inmates would be able to see his plates, possibly get his name and get his home information through someone at the Department of Motor Vehicles (DMV).

Subject Boese said he did not feel it was a big issue not to have the license plates on his vehicle. He said he did not think that the registration on his vehicle was expired at the time he reported it stolen. Subject Boese denied having any problems registering his vehicle.

> **<u>IAB NOTE:</u> On the stolen vehicle report taken on March 15, 2009, it shows the registration was expired as of April 2008, refer to Exhibit A, page 28. Also refer to Exhibit D for a print out of his vehicle registration.**

Subject Boese verified that he called AAA the same morning (March 15, 2009) to report his vehicle stolen. He verified that he completed and signed his signature on AAA's Affidavit of Automobile Total Theft **(Exhibit A, page 377 & 378).** He confirmed that he had AAA employee [redacted] witness his signature and turned it into him on March 28, 2009.

Subject Boese denied that he took a trip to Mexico while on his regular days off (RDO's-Thursday, Friday, Saturday), prior to him reporting his vehicle stolen. He denied driving his vehicle down to Mexico and abandoning it on or before March 14, 2009. He denied having his vehicle towed to Mexico. He denied having anyone else drive his vehicle to Mexico.

Subject Boese did not claim that there was any body damages or mechanical problems with his vehicle as of March 15, 2009. He would only say there were a few scratches on the vehicle but could not recall where on the vehicle. He said he could not remember if his windshield was cracked as of this date.

> **<u>IAB NOTE:</u> Subject Boese contradicted his earlier statements where he specifically remembered the areas where his vehicle was damaged and had not been repaired. He also previously said that his windshield was cracked.**

Subject Boese verified his cell phone number as [redacted] and currently still had this same number at the time of this interview. He said he was not aware if he ever loaned his phone to anyone on March 14th or 15th, 2009. Subject Boese verified that cell phone number [redacted] belonged to a friend of his named [redacted] He said they have been friends for approximately 10 to 12 years. He said they often took trips to Mexico and frequented Tijuana, Ensenada and Rosarito Beach.

Subject Boese verified his cell phone bill and calls made on the night of March 14, 2009 to and from [redacted] cell phone **(Exhibit A, pages 92 & 164)**. He said they could have been going to San Diego or Mexico on that night. He then said he could not remember that night. He said he was aware that there were license plate readers on the border between the United States and Mexico but denied that they went to Mexico. Subject Boese said he could not remember the reason for the phone calls on that night. He said [redacted] was his friend and that he talked to him often.

<u>IAB NOTE:</u> [redacted] of Verizon's Law Enforcement Resource Team (LERT) [redacted] verified that the "origination column" on a Verizon cell phone shows the cell tower city from where a call was made or received. Both Subject Boese's and [redacted] cell phones were in the same areas on March 14, 2009; 8:41pm-Mira Loma, 8:46pm-Mira Loma, 8:53pm-Norco, 10:04/10:05pm-Fallbrook.

On the advice of his attorney, Subject Boese refused to answer Internal Affairs Bureau question as to why his friend [redacted] would not answer District Attorney Investigators questions regarding giving him a ride back from Mexico. When specifically asked again if he was going to answer the question, Subject Boese again refused. Subject Boese denied that he had a conversation with [redacted] about him not answering any questions in case if he was to get questioned about his vehicle.

<u>IAB NOTE:</u> [redacted] was an officer with U.S. Customs and Border Protection. Their Internal Affairs Officer [redacted] verified that she interviewed [redacted] about this case. She said [redacted] denied any involvement in what happened with Subject Boese's vehicle. [redacted]

<u>IAB NOTE:</u> Investigator [redacted] verified that no criminal charges were filed on [redacted] in the incident involving Subject Boese's vehicle.

Subject Boese verified that he had a recorded conversation with AAA's [redacted] on March 19, 2009. He verified that his Cadillac was recovered on March 17, 2009. Subject Boese said he did not remember what damages Mr. [redacted] said were on the vehicle upon its recovery. He then remembered that the battery and the spare tire were missing from the vehicle. Subject Boese verified that he had his vehicle taken to [redacted] in [redacted]. He said this shop had done previous work for him and they did a good job. He verified that within a week of its recovery, he went to [redacted] and marked damages on the his Cadillac with blue tape. He verified on the color pictures **(Exhibit E)** of his vehicle, that he marked those areas on both sides of the vehicle as damaged. He then said he could not remember if all the damages were on his vehicle prior to it being stolen. He said he did not remember getting an estimate for any of the damages that he had marked with the blue tape. Subject Boese said he could not answer as to why Mr. [redacted] would have told the AAA adjuster that he received an estimate on the same damages he marked approximately three months prior to his vehicle being reported stolen **(Refer to Mr. [redacted] interview, Exhibit A, pages 6-8)**.

Subject Boese verified that he received several phone calls from an attorney from AAA in regards to him submitting his cell phone records, work time records and to arrange for an Examination Under Oath (EUO), sworn statement. He said he did not submit the requested items or meet with anyone from AAA because in the process of retrieving them, his vehicle was recovered. He said he was no longer interested in the claim and he did not feel it was a "big deal." He said he did not want to take time off of work or time away from his daughter on his days off to continue with the claim. He said he no longer communicated with the AAA attorneys office. Subject Boese said he did not speak to anyone nor was he ever contacted by anyone from the San Bernardino County District Attorney's Insurance Fraud Unit.

Subject Boese said believed he got his Cadillac back from [redacted] a couple weeks after it was recovered. He said the auto shop replaced the battery but did not make any other repairs on the vehicle. He said he used it for work once he got his vehicle back. He said he did not remember filing a Planned Non-Operational (PNO) on the vehicle with the DMV.

> **<u>IAB NOTE:</u> Refer to the Subject Boese's vehicle registration showing a PNO as of April 8, 2009, Exhibit D. His vehicle is currently registered in the State of Washington under new owners as of November 23, 2009, refer to Exhibit D.**

Subject Boese verified that he had [redacted] replace the engine in his vehicle with a used engine on July 8, 2009 (**Refer to repair invoice, Exhibit A, page 38**). He said the old engine "broke", it had stopped working and he was not sure what the specific diagnosis was for the engine. He said he did not ask the mechanic what the problem was with the old engine but he knew it could not be repaired. He said he had a warranty on his Cadillac but could not remember how long the warranty was for.

Subject Boese said he traded in the vehicle in August of 2009 to a Nissan Dealership in Riverside. He could not remember the name of the dealership. He denied that he was getting rid of the vehicle because it was bringing negative attention and suspicion due to his insurance claim. He said his vehicle had approximately 90,000 miles on it at the time he traded it in.

Subject Boese verified that he was arrested by San Bernardino County District Attorney's Office on July 8, 2010. He verified that he was booked for 550 P.C. and 118 P.C. and released on his own recognizance. He verified that he pled "nolo contendere" to the misdemeanor charge of 32 P.C. on January 25, 2011. He said he decided to take a plea deal because he had not been paid in six months, he is a single father and he hoped the deal was okay for him. He said he and his attorney thought that he had a winnable case but it would have costed him another $30,000 to continue his case. He said he had already paid his attorney $10,000, he did not have any more money and he thought it was the quickest and cheapest way to get the case behind him. Subject Boese said as a result of the plea deal he had to pay restitution to AAA for their investigation and he was placed on 12 to 18 months probation.

IAB NOTE: Subject Boese was sentenced to probation for 36 months, refer to The Superior Court Minutes, Exhibit C.

Later in this interview, Subject Boese said he attempted to meet with AAA representatives but due to him working in Compton on day shift, he was unable to get to their offices prior to closing. He said he could not go on his days off (Thursday or Friday at the time) because those are the days that he had his daughter and he was not willing to give up one of those days to go in and meet with them. He said he was not willing to take his daughter with him to an interview. He then admitted that if there was an emergency, he could find a babysitter. He said since his vehicle was recovered he did not think meeting with AAA was necessary. Subject Boese said AAA did not cancel his insurance.

IAB NOTE: AAA Claims Representative [redacted] verified that Subject Boese is currently still insured with AAA.

Subject Boese said the only thing he would have done differently in this situation was if he had known that it was important, he would have tried harder to meet with AAA representatives.

Subject Boese said he wants the Department to know that he did not have anything to do with the theft of his vehicle. He thinks the District Attorneys Office made a mistake in charging him with those crimes. He said if his record as a deputy was checked, he does not have any prior discipline. He said he had never been in trouble with the law. He said he took the plea deal because he ran out of money and he had to take care of himself and his little girl. He did not have another $30,000 that it would have taken to fight his case in court.

[redacted]

Attempts to contact Mr. [redacted] for an interview met with negative results. Voice mail messages were left at the number listed for him and a certified letter was sent to his home on April 13, 2011, with a returned receipt showing that the letter was received on April 14, 2011 **(Refer to Miscellaneous Section)**.

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

Leroy D. Baca, Sheriff



[redacted]

June 16, 2011

Deputy Eugene Boese, #[redacted]
[redacted]

Dear Deputy Boese:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business July 8, 2011.

An investigation under IAB File Number 2262199, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/030.05, General behavior; on or about January 25, 2011, you pled "nolo contendere" to a misdemeanor charge of Accessory to a Felony, in violation of Penal Code Section 32. By your actions, you have brought discredit upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior and/or 3-01/000.10, Professional Conduct; on or about March 15, 2009, you filed a false police report and subsequent fraudulent insurance claim, after falsely claiming that your personal vehicle, a 2005 Cadillac CTS, had been stolen from your driveway at your residence on March 14, 2009. The vehicle, which was recovered in Rosarito Beach, Mexico, on March 17, 2009, had some minor damage and the battery had been removed. There were no signs of forced entry and you had all the keys to the vehicle in your possession. You refused to cooperate with the insurance investigators and failed to respond to several of their requests to submit to an Examination Under Oath (EUO) concerning the alleged theft of your vehicle, and failed to provide

them with certain documents. On June 30, 2010, as a result of a criminal investigation, three Felony counts were filed against you in San Bernardino Superior Court as follows: 118 P.C., Perjury; 550(a)(1) P.C., Insurance Fraud (False Insurance Claim for Payment of Loss); 550(b)(1) P.C., Insurance Fraud (providing false information for insurance claim).

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about March 10, 2011, during your interview with Internal Affairs, you made false and/or misleading statements to investigators, including but not limited to:

   a) that you last saw your vehicle in your driveway on March 14, 2009, at approximately 2300 hours, and/or;

   b) denying having any problems registering your vehicle, and/or;

   c) that you could not remember whether you went to Mexico or San Diego on the night of March 14, 2009, and/or;

   d) denying that you went to Mexico on March 14, 2009, and/or;

   e) denying any involvement in the alleged theft of your vehicle, and/or;

   f) that there were only a few scratches on the vehicle prior to it being stolen on March 14, 2009, and/or;

   g) refusing to answer questions regarding your friend, [redacted]

   Your behavior and actions regarding this incident are completely contrary to the Department's Core Values, Mission and Creed and as a Deputy Sheriff, they simply cannot be tolerated. You have brought discredit and embarrassment upon yourself and the Los Angeles Sheriff's Department.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief

Cecil Rhambo on June 28, 2011, at 1430 hours, in his office, which is located at Sheriff Headquarters, 4700 Ramona Boulevard, Monterey Park, Room 423, Monterey Park, California 91754. If you are unable to appear at the scheduled time and wish to schedule some other [redacted] 28, 2011, for your oral response, please call Chief Rhambo's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Rhambo's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Rhambo's office by no later than June 28, 2011.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Joseph M. Gooden, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JMG:md

c: Advocacy Unit
Employee Relations Unit
Chief Cecil W. Rhambo Jr., Field Operations Region II
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2262199)

2010-34-6

INVEST ATIVE REPORT

CASE NO. 2010-01-59 IF

ASSOCIATED CASES

BUREAU OF INVESTIGATION
County of San Bernardino, Office of the District Attorney
CA036023A

CRIME	SUSPECT / DEFENDANT
550 PC	Boese, Eugene Peter

OCCURRED: DATE / TIME	LOCATION OF OCCURRENCE
03/14/2010 2100 to 03/15/2010 0345	9511 Stoneybrock Pl. Rancho Cucamonga, Ca. 91730

IN COMPLIANCE WITH PC § 964 (a), VICTIM IDENTITY IS CONTAINED ON PAGE 2

SUSPECT INFORMATION

SUSPECT NUMBER ONE:

NAME: LAST, FIRST MIDDLE	RACE/SEX	AGE	DOB
Boese, Eugene Peter	[redacted]	[redacted]	[redacted]

HEIGHT	WEIGHT	HAIR	EYES	SOCIAL SECURITY	CDL
[redacted]	[redacted]	[redacted]	[redacted]		[redacted]

RESIDENCE ADDRESS	RESIDENCE PHONE	CELL PHONE
[redacted]		[redacted]

OCCUPATION	BUSINESS NAME
Los Angeles County Deputy Sheriff	Los Angeles County Sheriff's Department

BUSINESS ADDRESS	BUSINESS PHONE

AKA / MONIKER	OTHER IDENTIFYING CHARACTERISTICS

OTHER: CII, FBI ETC.

SUSPECT NUMBER TWO:

NAME: LAST, FIRST MIDDLE	RACE/SEX	AGE	DOB
[redacted]	H/M	[redacted]	[redacted]

HEIGHT	WEIGHT	HAIR	EYES	SOCIAL SECURITY	CDL
5'7"	165	BLK	BRN		[redacted]

RESIDENCE ADDRESS	RESIDENCE PHONE	CELL PHONE
[redacted]		[redacted]

OCCUPATION	BUSINESS NAME
Customs and Border Protection Officer	U.S Department of Homeland Security

BUSINESS ADDRESS	BUSINESS PHONE
380 World Way, Los Angeles, Ca. 90045	310-568-7501

AKA / MONIKER	OTHER IDENTIFYING CHARACTERISTICS

OTHER: CII, FBI ETC.

SYNOPSIS

Eugene Boese claims he parked and locked his 2005 Cadillac CTS, license number [redacted] in the driveway of his residence on March 14, 2009 about 9:00 pm. He claims he went to his vehicle about 3:45 am the next morning and his vehicle was gone. He stated he was current on his car payments and he had both keys to the vehicle at the time of the theft. He filed an auto theft with the San Bernardino Sheriff's Department.

On March 17, 2009, Eugene Boese's vehicle was recovered at Rosarito Beach in Mexico. There were no license plates on the vehicle, only the dealer advertising plate when it was recovered. When the vehicle was recovered, the ignition system was intact and had not been tampered with. The vehicle had minor damage and the battery was missing.

AAA was suspicious of the claim and requested work records, phone records, financial records and an Examination Under Oath from Mr. Boese. He would not cooperate with AAA and they denied his claim. A cell phone search warrant identified [redacted] as the person Mr. Boese spoke to as he drove s/b on the 15 freeway into San Diego County the ...ning of the reported theft.

REPORTED BY	EMPLOYEE NO	DATE	REVIEWED BY	EMPLOYEE NO	DATE
[redacted]	[redacted]	01/19/2010	B. Boone (JB)	P1919	6/29/10

CR1 1/23/2008



CIVIL SERVICE COMMISSION
COUNTY OF LOS ANGELES

December 18, 2013

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of **EUGENE BOESE** for a hearing on his **suspension** not to exceed thirty (30) days following judgment of a criminal matter, effective July 29, 2010, and his **discharge**, effective July 29, 2011, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 11-274.**

The Civil Service Commission, at its meeting held on December 11, 2013 approved findings in the above-entitled case. The petitioner's objections submitted were overruled.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

Enclosure

c: Eugene Boese
Mitchell Kander
Vincent McGowan
Irene Ayala

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the **suspension** not to exceed thirty (30) days following judgment of a criminal matter, effective July 29, 2010, and his **discharge**, effective July 29, 2011, from the position of Deputy Sheriff, Sheriff's Department, of **EUGENE BOESE** **(Case No. 11-274)**	ORDER OF THE CIVIL SERVICE COMMISSION

On December 11, 2013, the Civil Service Commission of the County of Los Angeles, having read the foregoing Findings of Fact and good cause appearing therefor, overruled the petitioner's objections. The Commission adopted as its final decision the findings and recommendation of the Hearing Officer, Irene Ayala, to sustain the Department. Commissioners Felton and Martinez dissented.

Dated this 18th day of December, 2013.

Dissented — EVELYN V. MARTINEZ, President

LYNN ADKINS, Member

Dissented — VANGE FELTON, Member

CAROL FOX, Member

Z. GREG KAHWAJIAN, Member

LOS ANGELES COUNTY CIVIL SERVICE COMMISSION

In the Matter of the Appeal of **EUGENE BOESE,** Appellant, and **LOS ANGELES COUNTY SHERIFF'S DEPARTMENT,** Respondent.	**Case No. 11-274** **REVISED PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION**

APPEARANCES

For Appellant	Mitchell S. Kander Green & Shinee 16055 Ventura Blvd., Suite 1000 Encino, California 91436
For Respondent	Vincent C. McGowan Hausman & Sosa 16633 Ventura Blvd., Suite 1220 Encino, California 91436
Hearing Officer	Irene P. Ayala
Hearing Dates:	February 1, 2012 February 3, 2012 June 26, 2012 October 18, 2012 December 19, 2012

ISSUES

1. Is there sufficient nexus between the criminal charges filed against Appellant and the duties of Appellant's position to support imposition of the non-disciplinary suspension of Appellant as set forth in the Department's letter dated July 27, 2010?

2. Are the allegations contained in the Department's letter of August 1, 2011 true?

3. If any or all are true, is the discipline appropriate?

EXHIBITS

Department Exhibits

See attached.

Appellant Exhibits

See attached.

INTRODUCTION

Eugene Boese ("Appellant") was employed by the Sheriff's Department ("Department") as a Deputy Sheriff. He began his employment on January 17, 2002. [redacted] and the Compton Station. In a letter from the Department dated August 1, 2011, Appellant was informed he was discharged, effective July 29, 2011.

The Department maintained Appellant's discharge was justified because he filed a false vehicle theft report and a fraudulent insurance claim after falsely claiming his personal vehicle was stolen from the driveway of his residence on March 14, 2009. The vehicle was recovered in Mexico on March 17, 2009 with minimal damage, a missing battery, and no obvious sign of tampering to the ignition or doors of the vehicle. The Department further claimed Appellant refused to cooperate during the insurance investigation and made false or misleading statements during the Department's investigation.

On June 30, 2010, the San Bernardino District Attorney's Office filed felony charges against Appellant of perjury (P.C. 118), false insurance claim for payment of loss (P.C. 550(a)(1), and providing false information for an insurance claim (P.C 550(b)(1). On January 25, 2011, Appellant pled "nolo contendere" to a misdemeanor charge of accessory to a felony (P.C. 32).

Appellant's discipline history consists of [redacted] He asserted he was innocent of the criminal charges filed against him, but entered the "nolo contendere" plea because the cost of proceeding to trial would be a financial hardship. He also asserted the Department based its decision to discharge him on insufficient evidence.

EVIDENCE

In March 2009, Appellant was working at the Compton Station. His work shift was from [redacted] He owned a 2005 Cadillac CTS at that time. Although he purchased the vehicle in 2005, he did not remove the dealer paper plates to preserve his privacy making it difficult for criminals with whom he had contact to obtain his personal residence information from the Department of Motor Vehicles. He did receive the metal license plates from the DMV but did not place them on his vehicle.

On Saturday, March 14, 2009, he parked and locked the vehicle in the driveway of his residence in Rancho Cucamonga between 8:00 p.m. and 9:00 p.m. The anti-theft device was on. He went into his residence where he claimed he remained for the rest of the evening. On March 15, 2009, at approximately 3:45 a.m., he went to his vehicle to leave for work. His vehicle was gone and there was no evidence of theft found at the scene. He still had all of the keys to the vehicle in his possession.

He filed an automobile theft report that day with the San Bernardino County Sheriff's Department and signed the theft report under penalty of perjury. The report indicated the theft took place between "3-14-09 2100 to 3-15-09 3:45 a.m." (Ex. 14) He also filed an insurance claim with the Automobile Club of Southern California ("AAA") for the loss of his vehicle. The affidavit he completed on March 28, 2009 for AAA also indicated he left his vehicle at his residence at "2100" on March 14, 2009 and he discovered it missing at 4:00 a.m. the next morning. His affidavit was signed under penalty of perjury. (Ex. 26) The value of the vehicle at that time was approximately $15,000 and Appellant owed approximately $8,000 in payments.

On March 17, 2009, Appellant's vehicle was located in Rosarito Beach, Mexico. The vehicle report from the California Highway Patrol, Border Division, noted there were no license plates on the vehicle and it had minimal damage. (Ex. 14) It was returned to the United States and stored in a AAA

storage lot. Appellant was notified of the recovery of his vehicle and he asked that it be towed to [redacted] Auto Repair in Rancho Cucamonga. Appellant previously had repair work done at that shop.

In a conversation on March 19, 2009 with AAA adjuster, [redacted] Appellant confirmed the last time he saw his vehicle in his driveway was around 8:00 p.m. or 9:00 p.m. It was locked with the anti-theft device on. (Ex. 21, p. 188)

[redacted] was the AAA Claims Representative who was handling Appellant's insurance claim. He had several telephone conversations with Appellant. On March 20, 2009, he had a telephone conversation with Appellant who indicated he was going to see the vehicle at [redacted] shop and he would call Mr. [redacted] with a list of damages on the vehicle. On March 23, 2009, Appellant called Mr. [redacted] to inform him he marked off the damage with tape. The damage included a cracked windshield, left front bumper damage, a scratch to the right rear quarter, and a circle of paint missing on the left rear door. Appellant indicated he did not see any sign of forced entry or ignition damage during his inspection. He confirmed he had all of the vehicle keys. (Ex. 21, p. 189) On March 25, 2009, Appellant called Mr. [redacted] indicating the shop owner pointed out there was some undercarriage damage. (Ex. 21, p. 190) Appellant told him the damage to the vehicle was a result of the theft.

[redacted] is a Claims Representative with the AAA. She inspected Appellant's vehicle at [redacted] repair shop on March 25, 2009. She noted there were no DMV license plates on the vehicle, only paper plates. She saw pieces of tape Appellant placed on various areas of the vehicle where there was damage, but did not see any evidence of a forced entry, broken glass, or other means by which the vehicle had been broken into. She prepared an estimate of the repairs needed based on the damage Appellant showed with tape. That amount came to $5262.00. (Ex. 21, p. 240) The estimate was given to [redacted]

Mr. [redacted] called an employee in the parts department of Dutton Motors, a Cadillac dealer. Mr. [redacted] was advised a 2005 Cadillac CTS like Appellant's would have a transponder key. That key would be required for someone to drive the vehicle. He confirmed through the vehicle identification number (VIN) Appellant's vehicle did have a transponder key.

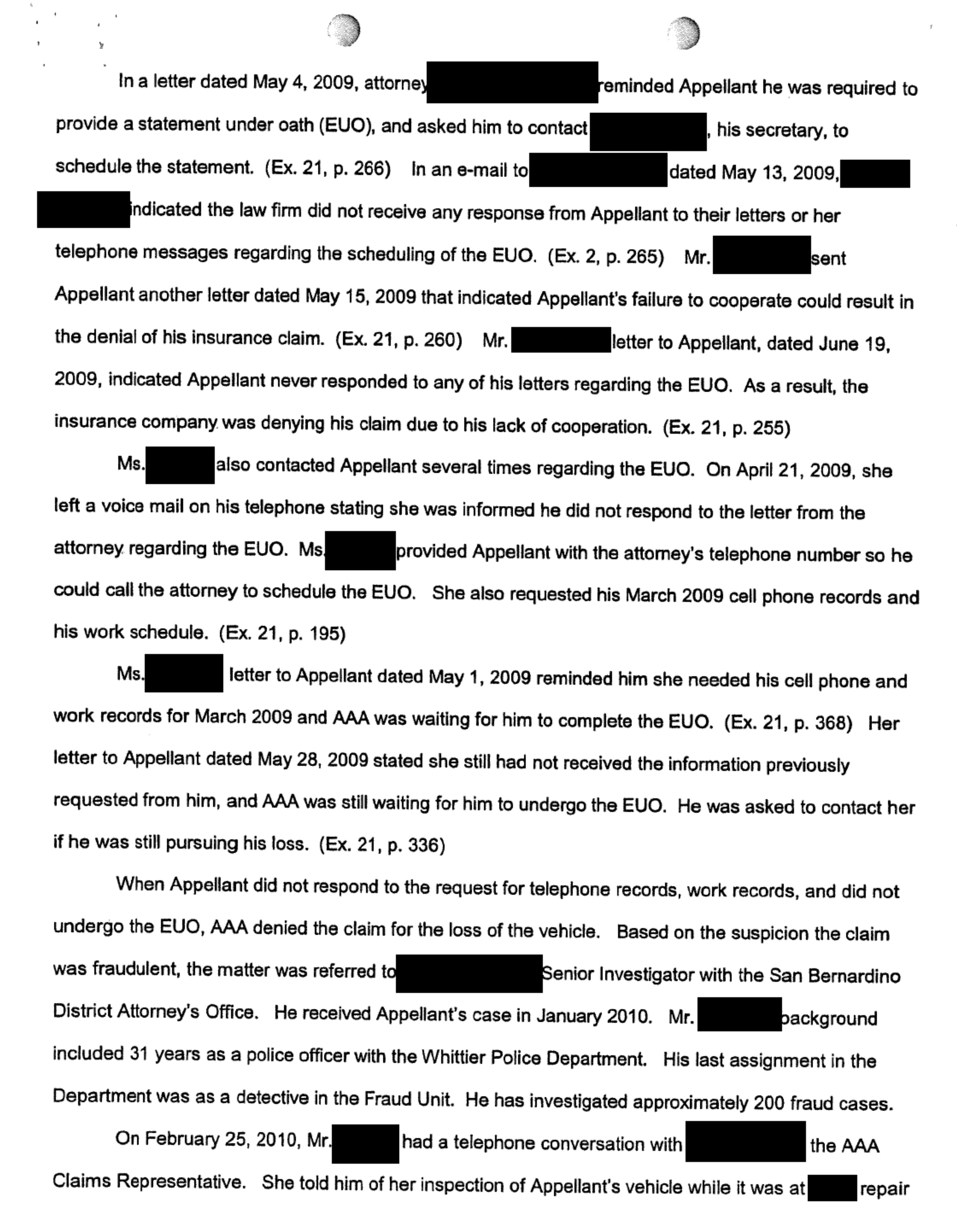
Based on training, Mr. [redacted] knew vehicles with transponder keys are almost impossible to start without a specific key that has an electronic code in it. Even if it had been towed away from Appellant's driveway, it could not be started or driven without the key. The fact that Appellant had both sets of his keys at the time his vehicle was claimed to have been stolen raised a "flag." Mr. [redacted] had a concern he was dealing with an invalid claim. It was decided Appellant should undergo an examination under oath (EUO), a sworn statement subject to perjury.

On April 2, 2009, AAA employee, [redacted] spoke with Appellant to advise him his claim was referred for an EUO. It was explained to him it was an examination under oath and that an attorney would contact him to schedule the proceeding. He was also advised no repairs would be done to the vehicle at that time. (Ex. 21, p. 191, 192) On April 4, 2009, Ms. [redacted] spoke with Appellant to advise him he would be contacted by the attorney assigned to conduct the EUO. (Ex. 21, p. 194)

[redacted] was the attorney who would conduct the EUO. His first letter to Appellant was dated April 8, 2009 and informed him he was required to render a statement under oath describing all of the facts regarding his insurance claim. (Ex. 21, p. 271)

On April 16, 2009, Mr. [redacted] prepared a Suspected Fraud form (FD1) that was submitted to the California Department of Insurance. That form documents the suspicion of fraudulent claim activity. (Ex. 21, p. 176)

In an e-mail to [redacted] dated April 21, 2009 [redacted], Mr. [redacted] legal secretary, indicated she spoke with Appellant and he was available on April 28, 2009 for his EUO. He wanted it scheduled at 5:00 p.m. to accommodate his work schedule. Mr. [redacted] agreed and also agreed to conduct it at an AAA office convenient to Appellant's home. (Ex. 21, p. 268) A May 1, 2009 e-mail from Ms. [redacted] to Mr. [redacted] indicated she called Appellant every day and left messages. The last time she spoke with him he indicated he was available the previous week and wanted the EUO conducted at 6:00 p.m. Ms. [redacted] contacted him to inform him his requested time was fine and it would take place at the Diamond Bar AAA office. Appellant did not respond to her telephone messages. (Ex. 21, p. 283)



In a letter dated May 4, 2009, attorney [redacted] reminded Appellant he was required to provide a statement under oath (EUO), and asked him to contact [redacted], his secretary, to schedule the statement. (Ex. 21, p. 266) In an e-mail to [redacted] dated May 13, 2009, [redacted] indicated the law firm did not receive any response from Appellant to their letters or her telephone messages regarding the scheduling of the EUO. (Ex. 2, p. 265) Mr. [redacted] sent Appellant another letter dated May 15, 2009 that indicated Appellant's failure to cooperate could result in the denial of his insurance claim. (Ex. 21, p. 260) Mr. [redacted] letter to Appellant, dated June 19, 2009, indicated Appellant never responded to any of his letters regarding the EUO. As a result, the insurance company was denying his claim due to his lack of cooperation. (Ex. 21, p. 255)

Ms. [redacted] also contacted Appellant several times regarding the EUO. On April 21, 2009, she left a voice mail on his telephone stating she was informed he did not respond to the letter from the attorney regarding the EUO. Ms. [redacted] provided Appellant with the attorney's telephone number so he could call the attorney to schedule the EUO. She also requested his March 2009 cell phone records and his work schedule. (Ex. 21, p. 195)

Ms. [redacted] letter to Appellant dated May 1, 2009 reminded him she needed his cell phone and work records for March 2009 and AAA was waiting for him to complete the EUO. (Ex. 21, p. 368) Her letter to Appellant dated May 28, 2009 stated she still had not received the information previously requested from him, and AAA was still waiting for him to undergo the EUO. He was asked to contact her if he was still pursuing his loss. (Ex. 21, p. 336)

When Appellant did not respond to the request for telephone records, work records, and did not undergo the EUO, AAA denied the claim for the loss of the vehicle. Based on the suspicion the claim was fraudulent, the matter was referred to [redacted] Senior Investigator with the San Bernardino District Attorney's Office. He received Appellant's case in January 2010. Mr. [redacted] background included 31 years as a police officer with the Whittier Police Department. His last assignment in the Department was as a detective in the Fraud Unit. He has investigated approximately 200 fraud cases.

On February 25, 2010, Mr. [redacted] had a telephone conversation with [redacted] the AAA Claims Representative. She told him of her inspection of Appellant's vehicle while it was at [redacted] repair

shop. She informed him the vehicle had only paper plates on it and there was no evidence of a forced entry or tampering with the ignition.

Mr. [redacted] is the owner of [redacted] Automobile Repair Shop in Rancho Cucamonga. Appellant has been his customer for 10 years and Mr. [redacted] did work on Appellant's 2005 Cadillac. He recalled the vehicle was towed to his shop in March 2009 after it was recovered in Mexico. He inspected it and noticed there was no battery and no evidence of tampering to the ignition or the door locks. When he spoke to Mr. [redacted] on March 2, 2010 he indicated the only way for someone to take the car was to use a master key or to tow it from Appellant's driveway.

Mr. [redacted] provided Mr [redacted] with several estimates for service to Appellant's vehicle that showed the vehicle needed a new suspension, a wheel alignment, a new rear transmounting, a shifter bushing, a front windshield, repainting the car with minor body work, a new shock strut assembly, a new differential assembly, a new cradle frame assembly, and a new catalytic converter. (Ex. 16) Those repair estimates were prepared for Appellant prior to the date he reported the vehicle stolen. The cost to do the repairs was approximately $9,861.86. Mr. [redacted] believed the fact the vehicle needed so much work established a motive for Appellant to claim it was stolen in order to obtain funds from the insurance company at a value higher than was justified given its condition.

Comparison of the AAA estimate and Mr. [redacted] documents revealed there was similar work listed in the AAA estimate for damage presumably a result of the theft. In a later telephone conversation, Mr. [redacted] confirmed the damage was the same as before the theft but he did not tell the AAA representative this because it was "not his business."

Mr. [redacted] also spoke with [redacted] the West Coast General Manager for GM, to inquire if any duplicate keys were made for Appellant's vehicle. Mr. [redacted] advised him all GM keys are made at the dealerships. Proof of ownership must be shown before a duplicate key can be made. The dealership contacts GM in Detroit, Michigan to get a key code and a record is kept if any duplicate keys are made. Mr. Bryne later confirmed no duplicate keys had ever been made for Appellant's vehicle since it was purchased by him in 2005.

Mr. [redacted] then prepared search warrants for Appellant's cell telephone records and his work schedule from the Sheriff's Department for March 2009. Mr. [redacted] was able to confirm Appellant did not work on March 14, 2009.

M[redacted] was aware that Appellant claimed the last time he saw his vehicle on March 14, 2009 was at about 8:00 p.m. or 9:00 p.m. when he parked it in his driveway and then he went to bed. When Mr. [redacted] examined Appellant's phone records for March 14th he saw that starting from 6:23 p.m. until 10:05 p.m. he made and received nine phone calls involving the same number (ending in 7424) That number was registered to his friend [redacted] Appellant's number ended in 8206.

The phone records also provided location information that showed Appellant's cell phone was being used to call and to receive calls as it was traveling southbound on the 15 freeway toward Mexico. The cell phone belonging to Mr. [redacted] showed calls made to Appellant on March 14, 2009 between 6:34 p.m. until 10:04 p.m. At 10:04 p.m. Mr. [redacted] phone records show a call from Chino or Highland, California to Appellant's phone. Appellant's location at that time was in Fallbrook.

Mr. [redacted] left a message on Mr. [redacted] cell phone on the morning of April 26, 2010. At noon, Mr. [redacted] returned the call and agreed to meet Mr. [redacted] at his office that day. During his interview, Mr [redacted] indicated he worked for the Department of Homeland Security, United States Customs and Border Protection Department at a location in the Los Angeles Airport. He confirmed the cell number [redacted] was his number for the last 10 years. He did not recall ever allowing anyone else to use it. He admitted Appellant was his friend and they periodically crossed the border into Mexico for parties and concerts. He had Appellant's cell number in his phone.

Mr. [redacted] was asked specifically about the calls between him and Appellant on March 14, 2009, but he indicated he did not recall that evening since it was more than one year ago. He also stated it was not unusual for he and his friends to carpool into Mexico or follow each other to a Mexican location.

At one point during the interview, Mr. [redacted] stated he met with the investigators out of professional courtesy. He stated he would love to help them, but he felt this would come down on him and he was overwhelmed with all of the questions. He stated he was willing to tell the truth, but it could

affect his own employment. He said he wanted to speak to the investigators the next day because he wanted to think about everything. They agreed to meet the next day at 2:00 p.m.

On the next day, April 27, 2010, Mr. [redacted] called Mr. [redacted] to cancel their scheduled meeting for that day. He said he could not get off work to meet with the investigators.

Mr [redacted] contacted Special Agent [redacted] with the Department of Homeland Security who investigated whether license plate numbers connected with Appellant and Mr. [redacted] had crossed into Mexico on March 14, 2009. Agent [redacted] found no record of those crossings on that day.

Based on his investigation, Mr [redacted] recommended perjury and automobile insurance fraud charges be filed against Appellant.

Mr. [redacted] testified at the appeal hearing. He has known Appellant for about 15 years and they frequently socialized together near their homes and in Mexico. In March 2009, Mr [redacted] lived in Murrietta and Appellant lived in Rancho Cucamonga. However, their last trip to Mexico took place in 2004 or 2005. Mr. [redacted] denied Appellant ever discussed getting rid of his Cadillac or leaving it in Mexico. He did not recall if he went with Appellant to any parties on March 14 or March 15, 2009. He denied helped Appellant abandon his vehicle in Mexico.

Mr [redacted] stated he worked in a booth at the United States border from May 2003 to August 2008. He became familiar with all the border crossing locations and confirmed the plate readers in those locations cannot read a paper license plate. He was discharged from that employment in September 2010 when it was discovered he took money from an ATM machine that was not his.

Mr. [redacted] also confirmed investigators from the Sheriff's Department contacted him for an interview regarding Appellant's theft claim. He admitted he did not meet with them. At that time he knew Appellant was facing discharge from his employment and was also facing criminal charges. He did not consider Appellant's problems his priority since he also had his own problems. Mr. [redacted] also indicated he was concerned about any information he may provide to Mr. [redacted] during that interview because he was concerned it would have a negative impact on his own career. No criminal charges were brought against him relating to Appellant's insurance claim.

Appellant testified at the hearing. He began his employment with the Department on January 17, 2002. At the time of this incident he was a patrol deputy at the Compton Sheriff's Station. In 2005, he purchased a Cadillac CTS for $35,000. His yearly income was $90,000 and he was able to pay his automobile payments and other living expenses without any difficulty.

March 14, 2009 was a Saturday. He worked that day from 5:00 a.m. to 3:00 p.m. and arrived home about 40 minutes later. He parked his car in the driveway of his residence. He did not recall when he went to sleep. Typically, it would be at 11:00 p.m. or 12:00 a.m. He discovered his car was gone at about 3:45 a.m. the following morning. He filed a claim with AAA and reported it stolen to the Rancho Cucamonga Sheriff's Station. At that time he owed $7,000 or $8,000 on the car and believed its current value was about $15,000. He denied he took it to Mexico and abandoned it, nor did he direct anyone else to do it. He also denied he submitted a false claim to his insurance company. In fact, his insurance policy was never cancelled and he continued to be insured by AAA to the present day.

Appellant confirmed he did not put the metal license plates on his vehicle that were issued to him in 2005. He left the paper plates with the dealer information on both the front and back of the vehicle. His explanation was that he knew the inmates at [redacted] could look out of the windows and see the deputies enter their personal vehicles. He was concerned the inmates would obtain his personal residence from DMV once they had his license plate information. He stopped working at [redacted] in April 2008.

He stated after the theft he was contacted by the AAA claims department asking him to meet with them for a statement. He made telephone calls to them and tried to cooperate. He did speak with [redacted] the legal secretary to Mr. [redacted] He did not recall what they discussed, but he did agree to meet with her. That meeting did not take place because they could not have the meeting at the time he requested. He also had conversations with AAA staff regarding the EUO. He told them he would do the EUO and never refused to do it. However, it never took place. He tried to set it at different times and it never happened. Once his car was recovered he thought it was a "done deal." Therefore, he made no effort to do the EUO. He decided not to pursue the claim at the end of March 2009 when he examined the vehicle at [redacted]epair shop and saw it was operational. He did not inform AAA or the

attorney he no longer wanted to pursue the claim. He traded it in August 2009 for another car. Appellant also testified he did not recall receiving any of the four letters sent to his residence by the law firm regarding the EUO.

Appellant testified one factor that created some difficulty regarding the scheduling of the EUO was his [redacted] She was [redacted] at that time and she lived with him part of the week. His days off were on Thursday, Friday and Saturday and he had his [redacted] those same days. He could not bring her to an interview.

Appellant also confirmed he spoke with the claims adjuster, Mr. [redacted] He was told to go to Mr [redacted] repair shop and to mark the damage on the vehicle, not just the damage that resulted from the theft. He put tape on all visible areas where damage could be seen on the vehicle.

He also reviewed the estimates for his vehicle repair generated by Mr. [redacted] One was for a total of $4,434.93 for a front windshield, minor body work, and repainting of the vehicle. The damage was done by a city crew when it was parked in the Compton Station parking lot. The city paid his claim for the repair. (Ex. 16, p. 37) Another estimate was for $2716.53 for removal and installation of an engine assembly. The estimate indicated the vehicle did not start and had to be towed to Mr [redacted] shop. Appellant stated he had the work done after the date of the theft. (Ex. 16, p. 38) Another estimate was for $741.79 for a sport suspension. Appellant stated he decided not to have that repair done since it did not affect the function of the vehicle. (Ex. 16, p. 39) He also did not have the transmounting done that would have cost $212.20. (Ex. 16, p. 40) Appellant confirmed he did not do the work listed on the estimates for a shifter bushing, shock and strut assembly, differential bushing set, and frame assembly that totaled $2,864.68. (Ex. 16, pp. 41-44)

There was also an estimate for replacement of the catalytic converter that listed $1,085.72 for parts and $427.54 for labor. (Ex. 16, p. 45) Appellant testified the repair was done in 2007 and submitted an invoice dated December 28, 2007 showing the payment of $400 for the cost of labor for the replacement of the catalytic converter. That invoice did not list the $1,085.72 for the cost of parts. (Ex. D) Mr. [redacted] estified the work to the catalytic converter in 2007 was only for repair and not its replacement.

Appellant confirmed he has known Mr. [redacted] for about 12 years and they socialized frequently, both in California communities near their homes and in Mexico. He was aware Mr. [redacted] previously worked at the U.S./Mexican border. He was also aware the electronic reader of vehicle license plates at the border could not read the paper plates he had on his vehicle. Appellant acknowledged he had a number of calls with Mr. [redacted] on the evening of March 14, 2009, but did not recall what they discussed or where he was located when those calls took place. He also confirmed he had his cell phone in his possession while the calls were made and his records showed calls were being made as the vehicle traveled South toward Mexico. He also knew DMV could keep his personal information confidential because he was a law enforcement officer. Instead, he chose to leave the paper plates on his vehicle.

During his interview by Internal Affairs investigators on March 10, 2011, Appellant said he last saw his vehicle in his driveway at around 11:00 p.m. on March 14, 2009. He also denied he drove the vehicle to Mexico to abandon it, and denied he had any involvement in the alleged theft of his vehicle. He refused to answer the investigator's specific question regarding [redacted] statement to the District Attorney's office about giving Appellant a ride from Mexico.

The investigation by the San Bernardino County District Attorney's Office resulted in the filing of three felony counts against Appellant. The complaint listed one count of perjury by declaration (P.C. 118) and two counts of insurance fraud (P.C. 550(a)(1), 550(b)(1)). Based on a plea agreement, he entered a nolo contendere plea to being an accessory to a felony (P.C. 32), a misdemeanor. At the appeal hearing, Appellant stated he did not know what facts constituted that crime.

Appellant testified he agreed to enter the plea to P.C. 32 for financial reasons. He had not received any salary for six months, he already paid his attorney $10,000, and a trial would have cost him $30,000. He had financial obligations to his young [redacted] as well. Also, he was informed by his attorney the misdemeanor plea would not prohibit him from continuing in law enforcement and would not require he be placed on the Brady List. If he was named on that list it would hinder his ability to testify in future court cases.

[redacted] is a Deputy Sheriff who is the [redacted] at the Compton Station. He [redacted] Appellant in patrol duties in 2008 for several months. When that [redacted] was completed, Deputy [redacted] and Appellant often worked together for about two years. He observed Appellant perform his duties. He also spent time with Appellant after work.

He considered Appellant hardworking and a person with the highest level of integrity. He recalled an incident when they discovered about $10,000 to $20,000 in cash in the home of a deceased woman. Appellant found the money in envelopes that he showed to Deputy [redacted] There was no hesitation by Appellant in turning it in. However, Deputy [redacted] acknowledged if Appellant did have a role in abandoning his vehicle in Mexico and filed a fraudulent insurance claim he would conclude Appellant lacked the integrity required for a position in law enforcement.

[redacted] is a Sergeant with the Department who supervised Appellant at [redacted] He was able to observe his performance on the job and noted his ethical conduct regarding inmate incidents. He had no concerns regarding Appellant's integrity in his dealings with others or in the accuracy of his written reports.

Sgt [redacted] was aware of the reasons for Appellant's discharge, but he testified even if the criminal activity alleged in this case was true it would not alter his conclusion about Appellant's integrity and ethics. He would have no problem having Appellant return to the Department.

[redacted] is a certified forensic locksmith whose background included training of law enforcement officers of state and federal agencies, as well as manufacturers. He has a broad range of experience in both electronic and mechanical automotive security systems and the methods by which entry may occur into vehicles. He was retained by Appellant to review materials in the Department's case.

Mr. [redacted] confirmed Appellant's vehicle had a transponder key. In order to start and drive his vehicle the key must be properly cut to fit the mechanical locks, and it must be properly programmed into the immobilizer system. The key is then able to start and operate the vehicle for which it is cut and programmed, but is not able to start or operate any other vehicles.

Mr. Seroogy noted the Department's conclusions regarding the theft of Appellant's vehicle were, in part, based on the following assumptions: (1) The vehicle was not forcibly entered; (2) The ignition lock exhibited no damage, hence, it was not bypassed; and (3) the transponder (immobilizer) system would have prevented the vehicle from being operated without the use of the original working keys.

Mr. [redacted] pointed out that neither the Department nor the criminal investigator conducted a forensic examination on the door lock system of Appellant's vehicle. He also confirmed the vehicle was sold by Appellant before he was retained and he was not able to do a forensic examination either. However, based on his review of the Department's materials and his knowledge of methods to bypass the transponder system, Mr. [redacted] found it was possible the vehicle was moved voluntarily, but it was equally possible it was stolen using an unauthorized key, through the use of hard bypass techniques, through an existing failure or bypass of the immobilizer system, or even by towing or transport. (Ex. A)

James Lopez is the Division Chief of Field Operations. He was aware Appellant was suspended prior to the initiation of his discharge. Chief Lopez stated the suspension was justified because everything a Deputy does is based on integrity. He could not be an active member of the Department until the criminal charges were resolved. Nor could he be placed on an administrative assignment because he may have been called to testify on a criminal matter.

Chief Lopez made the decision that Appellant's discharge was justified after he reviewed the investigation materials. He was also the Skelly officer. Chief Lopez believed the evidence of perjury and attempted fraud was compelling and the conduct was in violation of the Department's core values. A lesser discipline would not be acceptable given the seriousness of the conduct and its nexus to the position of a Deputy Sheriff entrusted with the enforcement of laws. In addition, this case received media coverage that embarrassed the Department. (Exs. 25, 30) Appellant's discharge was effective July 29, 2011.

DISCUSSION

Appellant has been employed by the Department since January 17, 2002. His discipline history includes a [redacted] dated August 29, 2006, for his dealings with an inmate at [redacted]

(Ex. 32) Appellant was suspended pursuant to Civil Service Rule 18.01 when the Department was notified three felony counts involving perjury and insurance fraud were filed against him by the San Bernardino District Attorney's Office.

Rule 18.01 provides as follows:

Civil Service Rule 18.01

"Subject to such appeal right as provided in this Rule, an employee may be suspended by the appointing power for up to and including 30 days, pending investigation, filing of charges and hearing on discharge or reduction, or as a disciplinary measure. Where the charge upon which a suspension is the subject of criminal complaint or indictment filed against such employee, the period of suspension may exceed thirty (30) calendar days and continue until, but not after, the expiration of thirty (30) calendar days after the judgment of conviction or the acquittal of the offense charged in the complaint or indictment has become final. The reason(s) for such suspension shall be forthwith, furnished in writing to the employee and a copy sent to the director of personnel." (Ex. 2)

The testimony of Division Chief James Lopez established there was a sufficient nexus between the criminal charges filed against Appellant and his duties as a Deputy Sheriff to support the imposition of the suspension pursuant to Rule 18.01.

As a Deputy Sheriff, Appellant's main function is the enforcement of laws. His duties are often performed in the field without direct supervision. He is expected to act with integrity and honesty. His written and verbal reports of events are relied upon by administrative agencies, courts and juries.

Once the Department knew Appellant faced serious criminal charges, it was fully justified to immediately impose a suspension to remove him from his active duties. The fact that the conduct in question took place off-duty is irrelevant. His integrity was now placed in question and the Department had a valid reason to be concerned about the public perception of its employees. Accordingly, the Department met its burden of proof regarding the issue of nexus between the criminal charges and Appellant's position as a law enforcement officer.

The Department also concluded his discharge was justified for his conduct in this case because he violated the following policies and procedures:

1. **3-01/030.05. General Behavior**

   A member shall not act or behave privately or officially in such a manner as to bring discredit upon himself or the Department.

2. **3-01/000.10. Professional Conduct**

   All Department members shall be held accountable for their actions, conduct, and speech when these behaviors conflict with Our Core Values, Mission, or Creed. Personnel who cause undue embarrassment or damage the reputation of and/or erode the public's confidence in the Department shall be deemed to have violated this policy.

3. **3-01/040.75. Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations**

   If requested to make a statement in the court or an official Department internal investigation, members shall make full, complete and truthful statements.

   Failure or refusal to make statements, or making false statements during Department internal investigations, may result in disciplinary action.

In this case, the Department must prove the allegations against Appellant by a preponderance of the evidence. It is a much lower standard than found in criminal cases that requires proof beyond a reasonable doubt. Appellant asserted the Department had insufficient evidence to support its decision to discharge him. Unfortunately, Appellant's own conduct provided substantial and credible evidence that he did, indeed, engage in an attempt to commit insurance fraud.

Appellant purchased his Cadillac in 2005 for about $30,000. His estimate of its value in March 2009 was $15,000. Appellant indicated he had no problem making his monthly vehicle payments and other living expenses. Thus, there was no motive to abandon his vehicle in Mexico so he could claim a loss from his insurance company.

Yet, Mr. [redacted] estimates for repair that predated the alleged vehicle theft showed that at least $3818 in repairs were needed for Appellant's vehicle. (Ex. 16) The work that had to be done was not minor in nature. The fact that Appellant did not do the work listed on the estimates does not mean the repairs were not necessary to maintain his car in a good condition. It should be noted that in July 2009, just three months after the March 2009 recovery of his vehicle from Mexico, Appellant's vehicle engine failed completely and it had to be towed to Mr. [redacted] shop for the installation of a used engine for $2716.53. (Ex. 16, p. 38) He purchased another vehicle shortly thereafter.

If Appellant had been successful in his claim to AAA for loss of the vehicle he would have received its estimated value of about $15,000 without the need to make $6,000 in repairs. The

Department's suggestion there was a valid motive to abandon the vehicle in Mexico is not an unrealistic conclusion.

The facts relating to the claim of the vehicle theft were also compelling. According to Appellant's initial version of events on March 14, 2009, he parked and locked his vehicle in his driveway in Rancho Cucamonga between 8:00 p.m. and 9:00 p.m. He remained at home for the rest of the evening.

His vehicle theft report to the Sheriff's Department the very next day (March 15, 2009) and his affidavit for AAA completed on March 28, 2009 both indicated he parked his vehicle at his residence at "2100." That would translate to 9:00 p.m. (Exs. 14, 26) In a telephone conversation with AAA adjuster [redacted] on March 19, 2009, Appellant confirmed the last time he saw his vehicle was around 8:00 p.m. or 9:00 p.m. (Ex. 21, p. 188) Appellant's later claim that he last saw the vehicle at about 11:00 p.m. contradicts his previous statements to the Sheriff's station and to AAA. Those earlier statements setting the time would be more trustworthy because they were made closer to the date of the event.

In addition, Appellant confirmed on several occasions all the keys to the vehicle remained in his possession. There was no evidence he allowed anyone else to drive his vehicle that evening, or that he was socializing with [redacted] that evening. According to him, he was at home until he discovered his vehicle was gone the next morning just before 4:00 a.m.

A very important reason Appellant would want to change the time is because of the information obtained from his cell records and those of [redacted] that established calls between them on March 14, 2009 were being made while traveling southbound along the 15 freeway. There were nine calls shown on Appellant's records either to or from Mr [redacted] during the period 6:23 p.m. to 10:05 p.m. A number of those calls lasted only one or two minutes. Of significance, it appeared the calls on Appellant's cell started at 8:20 p.m. in Rancho Cucamonga where his residence is located with subsequent calls being made from Mira Loma, Norco, Murrieta, with the last call at 10:05 received on his cell in Fallbrook. (Ex. 20, pp. 92, 164)

Although the calls between Appellant and Mr. [redacted] stopped at Fallbrook and do not show any calls at the Mexico border, they do establish both men were making or receiving calls on their cell

phones in communities in a southbound direction toward Mexico where the vehicle was ultimately discovered.

Of even more significance is that Appellant's calls with Mr. [redacted] were taking place away from his home in Rancho Cucamonga at a time when he claimed he was home the entire evening until he discovered the vehicle missing the morning of March 15, 2009. Neither Appellant nor Mr. [redacted] indicated they lent either their vehicles or their cell phones to anyone else on March 14, 2009.

Mr [redacted] worked several years at the U.S./Mexico border. He and Appellant testified they were aware the electronic readers of license plates would not work on paper plates like those Appellant kept on his vehicle. It is true there was no concrete evidence by official means to show Appellant's vehicle was driven across the border. However, it certainly could cross the border without detection since it was discovered several days later on a beach in Mexico.

Mr. [redacted] was also not fully cooperative when interviewed by Mr. [redacted] regarding the incident. At one point he stated he needed more time before responding to the investigator's questions. He agreed to return the next day at 2:00 p.m. to resume the interview, but then cancelled it the next day. He also admitted he was contacted by investigators from the Sheriff's Department regarding the incident, but he did not meet with them even though he knew his friend of 15 years was facing discharge form his employment and criminal charges. Mr. [redacted] indicated Appellant's problems were not his priority since he had his own problems.

The testimony of Appellant's witness, [redacted] was also not persuasive. Mr [redacted] is a certified forensic locksmith who testified about various means by which an unauthorized entry could be made into a vehicle that required a specific transponder key to start and drive Appellant's vehicle. Mr. [redacted] pointed out neither AAA nor the criminal investigators did a forensic examination of the vehicle so that a definite conclusion could be made about entry to the vehicle. However, he never did a forensic examination either. Thus, his analysis and conclusions were based on the possible scenarios of what might have taken place.

If the sophisticated methods described by Mr. [redacted] had been utilized to take the vehicle it is unrealistic for it to have been left on a beach in Mexico for several days with only minimal exterior

damage and the only part removed was a battery. Any thief with sophisticated electronic knowledge would have sold it to another party who would have done a better job of concealing it, or it would have been taken to an enclosed space, such as a "chop shop" for the removal of all of the parts that had any value.

Appellant's failure to cooperate with the AAA request for records and the EUO was also suspicious. Contrary to his assertion he tried to schedule the EUO, the facts proved otherwise. He was informed several times by AAA staff that he had to undergo the EUO and a specific request for his cell and work records for March 2009 was made. He received several letters from the attorney who was to conduct the EUO asking that it be scheduled with his office, and the legal secretary from the law firm left Appellant several phone messages attempting to schedule the EUO. Appellant never provided the records to AAA and never scheduled the EUO even though the attorney was willing to conduct it at a time and location convenient for Appellant. (Ex. 21, P. 268) Appellant did not work on Thursdays, Fridays or Saturdays. Yet, he used the excuse of having to be with his young daughter during those days as justification for not setting the EUO on his days off.

Appellant testified he decided not to pursue the insurance claim once his vehicle was recovered. Yet, he never communicated that fact to either the AAA or to the attorney dealing with the EUO. He completely ignored their requests.

At the appeal hearing he stated he did not recall receiving the attorney's letters and pointed out they were sent to an incorrect address. The address on the letters did misspell the street name, but only by one letter. The house number, city and zip code were accurate. Although it is unreasonable to believe he failed to receive even one of the attorney's letters, he was repeatedly advised of the EUO request by telephone calls from the legal secretary. As a law enforcement officer, Appellant was aware of the importance of cooperating with the AAA staff and the attorney since they were dealing with the loss claim he initiated.

When interviewed by investigators with the Department's Internal Affairs Bureau, Appellant persisted in denying he filed a false stolen vehicle report or that he made a fraudulent claim for the loss of the vehicle. Based on the evidence in this case, those statements were not accurate.

The Department's discharge letter also included the fact that Appellant entered a nolo contendere plea to a misdemeanor charge of accessory to a felony pursuant to Penal Code section 32. Appellant stated he entered that plea because of financial reasons and he believed he could continue in a position with law enforcement with a misdemeanor conviction rather than a felony conviction. He testified he had no idea what felony was referred to in the plea he entered.

For purposes of my analysis and recommendation in this case, I did not consider the fact that Appellant entered a plea to a criminal charge. Instead, the underlying facts regarding the incident formed the basis for my recommendation that Appellant's discharge is justified.

As an experienced law enforcement officer, Appellant is held to a higher standard of conduct in his professional and personal life. The incident was disclosed in several media sources leaving a negative image of the Department and its employees. In addition, Appellant's conduct raised a serious issue regarding his honesty and integrity. His ability to testify in future criminal cases would also be compromised when defense attorneys learned of his conviction.

Appellant's prior discipline included only a written reprimand and he had served competently during the ten years he was in the Department. However, the Department believed his conduct in this case was so egregious his discharge was the only appropriate discipline to impose. Based on all of the facts presented to me, I concluded the discharge is appropriate and should be sustained.

FINDINGS OF FACT

1. At the time of his discharge, Appellant was a Deputy Sheriff in the Compton Sheriff's Station. He began his employment with the Department on January 17, 2002. His discipline history consisted of a written reprimand in 2006.

2. Appellant purchased a Cadillac CTS in 2005 for $30,000. In March 2009, the approximate value was $15,000. Estimates for repairs prepared before March 14, 2009 by his mechanic [redacted] indicated repairs totaling $3818 needed to be done to his vehicle that included work on the control arm, rear transmounting, shifter bushing, shock strut assembly, differential assembly, and cradle frame assembly.

3. In July 2009, three months after the recovery of the vehicle in March 2009, the engine of Appellant's vehicle failed and it was towed to Mr. [redacted] repair shop. A used engine had to be installed at the cost of $2,716.53. He sold it in August 2009.

4. On March 14, 2009, Appellant parked his vehicle at his residence at about 8:00 p.m. or 9:00 p.m. In the early morning of March 15, 2009, Appellant reported the vehicle was stolen and filed a claim with his insurance company, AAA. Appellant claimed he was at home the evening of March 14, 2009. The cell records of his phone and the cell phone of his friend, [redacted] established calls between them were made in communities heading southbound near the 15 freeway toward Mexico at the same time Appellant claimed he was at his residence in Rancho Cucamonga.

5. [redacted] worked several years at the United State/Mexican border. He and Appellant were both aware the paper plates Appellant kept on his vehicle could not be read by the electronic license reader at the border to show a Mexican entry or exit. The vehicle was recovered in Rosarito beach in Mexico on March 17, 2009 with minimal exterior damage and a missing battery. There was no sign of forced entry and Appellant had all the keys to the vehicle in his possession.

6. [redacted], certified forensic locksmith, noted there were a number of sophisticated methods by which an unauthorized entry to Appellant's vehicle could have been made. He pointed out neither AAA nor the criminal investigators did a forensic examination of the vehicle upon its recovery from Mexico to determine the exact method the vehicle was moved and driven to Mexico. M[redacted] also did not do a forensic examination of the vehicle prior to preparing his report for this case.

7. Appellant failed to provide the cell and work records requested by AAA and failed to schedule the Examination Under Oath (EUO) repeatedly requested by the attorney, [redacted] Due to his lack of cooperation, AAA denied his loss claim.

8. During his Internal Affairs Bureau interview, Appellant claimed he last saw his vehicle in his driveway on March 14, 2009 at about 11:00 p.m.; he stated there were only a few scratches on his vehicle prior to the alleged theft from his driveway; he denied he went to Mexico on March 14, 2009 and abandoned his vehicle; he refused to answer questions regarding his friend, [redacted] and denied any involvement in the alleged theft of his vehicle. Department employees are required to make

full, complete and truthful statements in the course of an Internal Affairs investigation pursuant to section 3-01/040.75.

9. The San Bernardino County District Attorney's Office filed a criminal complaint against Appellant for one count of perjury by declaration (P.C. 118) and two counts of insurance fraud (P.C. 550(a)(1), 550(b)(1)). On January 25, 2011, based on a plea agreement, Appellant entered a nolo contendere plea to being an accessory to a felony (P.C. 32), a misdemeanor. Civil Service Rule 18.01 authorizes the imposition of a suspension when an employee is the subject of a criminal complaint. In addition, pursuant to the Department's policy relating to general behavior (section 3-01/030.05) an employee shall not act or behave, privately or officially, in a manner that brings discredit upon himself or the Department.

10. Appellant's discharge was effective July 29, 2011.

CONCLUSIONS OF LAW

1. The Department met its burden of proof there is a sufficient nexus between the criminal charges filed against Appellant and his duties as a Deputy Sheriff to support the imposition of a suspension pursuant to Civil Service Rule 18.01.

2. The Department met its burden of proof that the allegations contained in its letter of August 1, 2011 are true.

3. The Department met its burden of proof that Appellant's discharge is appropriate.

RECOMMENDATION

It is respectfully recommended that the Board of Commissioners sustain Appellant's discharge.

Date: June 3, 2013.

Irene P. Ayala

IRENE P. AYALA
Hearing Officer

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RECOMMENDATION

It is respectfully recommended that the Board of Commissioners sustain Appellant's discharge.

Date: August 20, 2013.

IRENE P. AYALA
Hearing Officer



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

August 1, 2011

Deputy Eugene Boese, [redacted]

Dear Deputy Boese:

On June 16, 2011, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2262199. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, your Division Chief determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff , Item No. 2708A, with this Department, effective as of the close of business on July 29, 2011.

An investigation under File Number IAB 2262199, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/030.05, General behavior; on or about January 25, 2011, you pled "nolo contendere" to a misdemeanor charge of Accessory to a Felony, in violation of Penal Code Section 32. By your actions, you have brought discredit upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior and/or 3-01/000.10, Professional Conduct; on or about March 15, 2009, you filed a false police report and subsequent fraudulent insurance claim, after falsely claiming that your personal vehicle, a 2005 Cadillac CTS, had been stolen from your driveway at your residence on March 14, 2009. The vehicle, which was recovered in Rosarito Beach, Mexico, on March 17, 2009, had some minor damage and the battery had

been removed. There were no signs of forced entry and you had all the keys to the vehicle in your possession. You refused to cooperate with the insurance investigators and failed to respond to several of their requests to submit to an Examination Under Oath (EUO) concerning the alleged theft of your vehicle, and failed to provide them with certain documents. On June 30, 2010, as a result of a criminal investigation, three Felony counts were filed against you in San Bernardino Superior Court as follows: 118 P.C., Perjury; 550(a)(1) P.C., Insurance Fraud (False Insurance Claim for Payment of Loss); 550(b)(1) P.C., Insurance Fraud (providing false information for insurance claim).

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about March 10, 2011, during your interview with Internal Affairs, you made false and/or misleading statements to investigators, including but not limited to:

   a) that you last saw your vehicle in your driveway on March 14, 2009, at approximately 2300 hours, and/or;

   b) denying having any problems registering your vehicle, and/or;

   c) that you could not remember whether you went to Mexico or San Diego on the night of March 14, 2009, and/or;

   d) denying that you went to Mexico on March 14, 2009, and/or;

   e) denying any involvement in the alleged theft of your vehicle, and/or;

   f) that there were only a few scratches on the vehicle prior to it being stolen on March 14, 2009, and/or;

   g) refusing to answer questions regarding your friend, [redacted]

   Your behavior and actions regarding this incident are completely contrary to the Department's Core Values, Mission and Creed and as a Deputy Sheriff, they simply cannot be tolerated. You have brought discredit and embarrassment upon yourself and the Los Angeles Sheriff's Department.

In taking this disciplinary action, your record with this Department has been considered, and a

thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

JAMES R. LOPEZ, CHIEF
FIELD OPERATIONS REGION II

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

JRL:JMG:md

c: Advocacy Unit
Diane E. Walker, Captain, Compton Station
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration